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In re application of
Schaevitz et al.
Serial No. 09/691,957
Filed: October 18, 2000
For: EFFICIENT MICROFLUIDIC SEALING

DECISION ON
PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181, filed February 4, 2003. The petition requests that the holding of abandonment for failure to respond to the Office action of October 24, 2002 be vacated. The petitioner asserts that the applicants did not receive such an Office action.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Office action mailed October 24, 2002, was not received by petitioner. The evidence provided includes a statement by the petitioner that the Office action was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed this paper was not received. Also provided is a copy of the attorney's application docket records where the letter would have been posted had it been timely received.

In light of this evidence, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the above noted Office action and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

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